



Receiv-

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED  
MAR 13 2002  
TECH CENTER 1600/2900

In re Application of:

David A. Fischhoff,  
Roy L. Fuchs,  
Paul B. Lavrik,  
Sylvia A. McPherson,  
Frederick J. Perlak

Art Unit: 1638

Examiner:

Atty. Dkt. No.: 11899.0195.DVUS01  
(MOBT:195--1)

Serial No.: 09/943,692

Filed: August 31, 2001

Confirmation No: 4166

For: **Coleopteran toxin proteins of *Bacillus thuringiensis*** (Amended)

REQUEST FOR CORRECTED FILING RECEIPT

Commissioner for Patents  
Washington, D.C. 20231  
Attn: Office of Initial Patent  
Examination's Customer Service Center

Sir:

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date below	
2/11/02 Date	Malinda Edwards Signature


A corrected filing receipt is hereby requested in view of the error which appears in the original. Please note that the first Applicant's city of residence is Webster Groves, MO and not Webster, MO. For the convenience of the Patent and Trademark Office, attached is a photocopy of the original receipt on which the missing word has been added in red.

Because the error is not due to any error by Applicants, no fee is believed to be due in connection with the filing of this document. However, should any fee under 37 C.F.R. §§ 1.16 to

1.21 be deemed necessary for any reason relating to this document, the Commissioner is authorized to charge the fee to Deposit Account No. 01-2508/11899.0195.DVUS01.

Please date stamp and return the enclosed postcard evidencing receipt of these materials.

Respectfully submitted,



Amy G. Klann

Reg. No. 48,155

HOWREY SIMON ARNOLD & WHITE, LLP  
750 Bering Drive  
Houston, Texas 77057-2198  
(713) 787-1400

Agent for Assignee  
MONSANTO TECHNOLOGY LLC

Date: February 11, 2002

MOBT195-1

A. KLANN

11899.0195.DVUS01

Page 1 of 2



# UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/943,692	08/31/2001	1638	790	MOBT195-1 11899.0195.DVUS	33	13	4

Patricia A. Kammerer  
HOWREY SIMON ARNOLD & WHITE, LLP  
750 Bering Drive  
Houston, TX 77057-2198

DOCKETED ☒ UPDATED ☐Previously ☐ Not Required ☐App. Info ☐Reg/Grant Info ☐Action Required: ☐

FILING RECEIPT

Date Due/Denied: ☐By: JN Checked AB

CONFIRMATION NO. 4166

FILING RECEIPT



\*OC000000007045296\*

Date Mailed: 11/08/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Groves

David A. Fischhoff, Webster, MO;  
Roy L. Fuchs, St. Charles, MO;  
Paul B. Lavrik, Kirkwood, MO;  
Sylvia A. McPherson, Birmingham, AL;  
Frederick J. Perlak, St. Louis, MO;

REC'D HOWREY SIMON ARNOLD &amp; WHITE

NOV 14 2001

## Assignment For Published Patent Application

Monsanto Technology LLC.;

HOUSTON DOCKETING DEPT.

RECEIVED  
MAR 13 2002  
TECH CENTER 1600/2900

## Domestic Priority data as claimed by applicant

THIS APPLICATION IS A DIV OF 09/027,998 02/23/1998 PAT 6,284,949  
WHICH IS A CON OF 08/759,446 12/05/1996 PAT 5,763,241  
WHICH IS A CON OF 08/435,101 05/04/1995 ABN  
WHICH IS A DIV OF 08/072,281 06/04/1993 PAT 5,495,071  
WHICH IS A CON OF 07/523,284 05/14/1990 ABN  
WHICH IS A CON OF 07/044,081 04/29/1987 ABN

## Foreign Applications

If Required, Foreign Filing License Granted 11/08/2001

Projected Publication Date: 02/14/2002

Non-Publication Request: No

Early Publication Request: No

Title

Coleopteran toxin proteins of bacillus thuringiensis

Preliminary Class

800

---

**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



## UNITED STATES PATENT AND TRADEMARK OFFICE

FILE COPY

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov



Bib Data Sheet

CONFIRMATION NO. 4166

<b>SERIAL NUMBER</b> 09/943,692	<b>FILING DATE</b> 08/31/2001 <b>RULE</b>	<b>CLASS</b> 800	<b>GROUP ART UNIT</b> 1653	<b>ATTORNEY DOCKET NO.</b> MOBT195-1 11899.0195.DVUS
------------------------------------	---	---------------------	-------------------------------	--

## APPLICANTS

David A. Fischhoff, Webster Groves, MO;  
Roy L. Fuchs, St. Charles, MO;  
Paul B. Lavrik, Kirkwood, MO;  
Sylvia A. McPherson, Birmingham, AL;  
Frederick J. Perlak, St. Louis, MO;

## \*\* CONTINUING DATA \*\*\*\*\*

THIS APPLICATION IS A DIV OF 09/027,998 02/23/1998 PAT 6,284,949  
WHICH IS A CON OF 08/759,446 12/05/1996 PAT 5,763,241  
WHICH IS A CON OF 08/435,101 05/04/1995 ABN  
WHICH IS A DIV OF 08/072,281 06/04/1993 PAT 5,495,071  
WHICH IS A CON OF 07/523,284 05/14/1990 ABN  
WHICH IS A CON OF 07/044,081 04/29/1987 ABN

## \*\* FOREIGN APPLICATIONS \*\*\*\*\*

## IF REQUIRED, FOREIGN FILING LICENSE GRANTED

\*\* 11/08/2001

Foreign Priority claimed <input type="checkbox"/> yes <input checked="" type="checkbox"/> no	<b>STATE OR COUNTRY</b> MO	<b>SHEETS DRAWING</b> 33	<b>TOTAL CLAIMS</b> 13	<b>INDEPENDENT CLAIMS</b> 4
35 USC 119 (a-d) conditions met <input type="checkbox"/> yes <input checked="" type="checkbox"/> no <input type="checkbox"/> Met after Allowance				
Verified and Acknowledged Examiner's Signature: <i>[Signature]</i> Initials: _____				

## ADDRESS

Patricia A. Kammerer  
HOWREY SIMON ARNOLD & WHITE, LLP  
750 Bering Drive  
Houston, TX 77057-2198

## TITLE

Coleopteran toxin proteins of bacillus thuringiensis

**FILING FEE RECEIVED**  
790

FEES: Authority has been given in Paper  
No. \_\_\_\_\_ to charge/credit DEPOSIT ACCOUNT  
No. \_\_\_\_\_ for following:

- |  |
|--|
| <input type="checkbox"/> All Fees                              |
| <input type="checkbox"/> 1.16 Fees ( Filing )                  |
| <input type="checkbox"/> 1.17 Fees ( Processing Ext. of time ) |
| <input type="checkbox"/> 1.18 Fees ( Issue )                   |
| <input type="checkbox"/> Other _____                           |

☐ Credit